

Dated: March 29, 2022

The following is ORDERED:



A handwritten signature in black ink, reading "Sarah A. Hall".

Sarah A Hall
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

In re:)	
JENNIFER LEE EWER)	
and)	Case No. 22-10223-SAH
JEFFREY SCOTT EWER,)	Chapter 7
Debtors.)	

**ORDER GRANTING FIRST NATIONAL BANK & TRUST OF ELK CITY'S
MOTION FOR RELIEF FROM THE AUTOMATIC STAY, FOR
ABANDONMENT OF PROPERTY, AND NOTICE OF OPPORTUNITY FOR
HEARING**

[This Order Relates to the Motion at Dkt. No. 11]

Before this Court is the *Motion for Relief From the Automatic Stay, for Abandonment of Property, Waiver of Rule 4001, and Notice of Opportunity for Hearing*

[Dkt. No. 11] (the “Motion”) filed by First National Bank & Trust of Elk City (“FNBT”), as secured creditor in the above-captioned bankruptcy case. The following findings are based upon representation of undersigned counsel for FNBT.

1. The Motion was filed on March 10, 2022.
2. The Motion was electronically served in accordance with Local Bankruptcy Rules 4001-1(D) and (E) and 9013-1(J) using the Court’s CM/ECF system upon those parties registered for electronic service, and via the United States Postal Service, first-class mail, postage pre-paid, to Debtor, Debtor’s Counsel, the United States Trustee, all creditors in the underlying bankruptcy case, and all parties affected by the Motion or having an interest in the following real property and collateral:

Real Property:

Lots 9, 10, 11, 12, 13, 14, 15, and 16, in Block 68 of the Original Town of Sayre, Oklahoma; less and except all of the oil and gas and other minerals

(the “Property”)

Collateral:

All accounts, equipment, furniture, fixtures, inventory, trade rights, contracts and contract rights of whatever kind of nature, wherever located, now owned or hereafter acquired, and all returns, repossessions, exchanges, substitutions, replacements, attachments, parts, accessories, and accessions thereto and thereof and all proceeds thereof, (whether in the form of cash, instruments, chattel paper, general intangibles, accounts or otherwise).

(collectively, the “Collateral”).

3. No objection has been filed or served within the time prescribed under Local Bankruptcy Rule 9013-1(D), such period having expired on March 24, 2022; and

4. The Motion may be granted pursuant to Local Bankruptcy Rule 9013-1(E).

IT IS THEREFORE ORDERED by the Court for good cause shown and for the reasons stated in the Motion, that the Motion is **GRANTED, in part**, as follows:

1. The stay imposed by 11 U.S.C. § 362 is hereby lifted and modified so that FNBT may pursue its state law rights and remedies against the Property and the Collateral;

2. The Property and the Collateral are hereby abandoned from the estate, and Trustee is directed to abandon the Estate's interest in the Property and Collateral (if any) directly to FNBT, pursuant to 11 U.S.C. § 554;

3. In the event the liquidation of the Property and the Collateral results in proceeds in excess of the amounts due and owing to FNBT, FNBT shall promptly turn over all such excess proceeds to the Trustee;

4. The Court finds that FNBT has not established a sufficient justification to support the request for waiver of stay provision in FED. R. BANKR. P. 4001(a)(3). Accordingly, the Rule 4001 stay *shall not* be waived and such provision shall apply; and

5. All findings of fact are based upon representation of counsel.

*** THE MOVANT SHALL NOTIFY ALL INTERESTED PARTIES OF THIS ORDER***

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APPROVED FOR ENTRY:

s/ Lysbeth L. George

Lysbeth George, OBA #30562

LIZ GEORGE AND ASSOCIATES

8101 S. Walker Ave., Suite F

Oklahoma City, OK 73139

Telephone: (405) 689-5502

Facsimile: (405) 689-5502

georgelawok@gmail.com

**ATTORNEY FOR FIRST NATIONAL
BANK & TRUST OF ELK CITY**